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Ref. 617.007(F)

June 29, 1988

**FEDERAL EXPRESS**

Stanley Siegel, Chief  
Hazardous Waste Facilities Branch  
US Environmental Protection Agency  
Region II - 26 Federal Plaza  
New York, NY 10278

Re: Ponce Municipal Landfill

Dear Mr. Siegel:

As agreed upon in our meeting of May 24, 1988, enclosed please find an affidavit from Mr. Rick Good, District Manager, BFI of Ponce, Inc., attesting to the fact that no waste has been disposed of in the area in which Cell Number 1 has been constructed.

Since our meeting, the Puerto Rico Environmental Quality Board has approved the operation of Cell Number 1 by BFI of Ponce, Inc. as a nonhazardous landfill. Your offer of assistance in that regard was greatly appreciated.

Cordially yours,

  
José A. Cepera-Rodríguez

cob  
Enclosure

cc: D. Pocze  
M. Bouley  
R. Good

630  
ANGEL  
-review & advise  
Stam

## AFFIDAVIT

I, Ricky Good, of legal age, married, Vicepresident of BFI of Ponce, Inc. (BFIP), and resident of Ponce, Puerto Rico, being duly sworn hereby state as follows:

1. My name and other personal circumstances are as stated hereinabove.

2. I am currently employed as Vicepresident of BFIP and served as the District Manager of the Ponce Municipal Landfill (the Landfill) located in Ponce, Puerto Rico. From June 1, 1983 to March 1, 1987 I was employed as operation manager of the Landfill for Cecos International, Inc. (CECOS).

50.7 acres 3. The existing Landfill is comprised of 51.3 "cuerdas".

4. The Landfill was operated as a sanitary waste disposal facility by the City of Ponce under permit number RS-11 issued by the Puerto Rico Environmental Quality Board on April 25, 1980, and thereafter renewed and extended through emergency permits.

5. By virtue of a Management Agreement entered into by Cecos and the Municipality of Ponce on December 20, 1982, CECOS was contracted to operate and in fact operated the existing landfill from June 1, 1983 to March 1, 1987.

6. By virtue of an agreement entered into by BFIP and the Municipality of Ponce, on March 1, 1987, BFIP succeeded CECOS as operator of the Landfill from such date to the present.

7. I have personally been in charge of the Ponce Municipal Landfill operations since June 1, 1983, as Operations Manager under CECOS, and as Vicepresident and District Manager under BFIP.

8. The excavation of Cell Number 1 took place at a location outside the existing landfill operation, in virgin soil where no waste of any sort had been deposited. Such excavation commenced in November 1983.

9. The placement of Cell Number 1 outside the existing landfill operation was documented by the Law Engineering Testing Company, who reported that no waste had been placed no closer than approximately two hundred and fifty feet from the Cell Number 1 (Exhibit 1 and 2).

10. The analysis of the borings in the area of Cell Number 1, specifically borings C-39 and C-87, showed that there was no waste, either hazardous or non-hazardous, deposited at the site of Cell Number 1 (Exhibit 3).

11. From the time of the borings conducted by Law Engineering Testing Company to the present, no waste of any sort has been deposited in Cell Number 1.

12. The analysis of the borings north and east of Cell Number 1, specifically borings C-39, C-41, C-42, C-67 and C-50, show the edge of the operating landfill, as those borings all

what about  
borings C31, C33  
C37, C38?


demonstrated the lack of waste at those locations (Exhibit 2 and 3).

13. All the facts hereinabove stated are true and of my personal knowledge.

  
\_\_\_\_\_  
RICK GOOD

Affidavit No. 020

Sworn and subscribed to before me by Ricky Good, of the personal circumstances stated hereinabove, personally known to me, in San Juan, Puerto Rico, this 28<sup>th</sup> day of June, 1988.

  
\_\_\_\_\_  
NOTARY PUBLIC





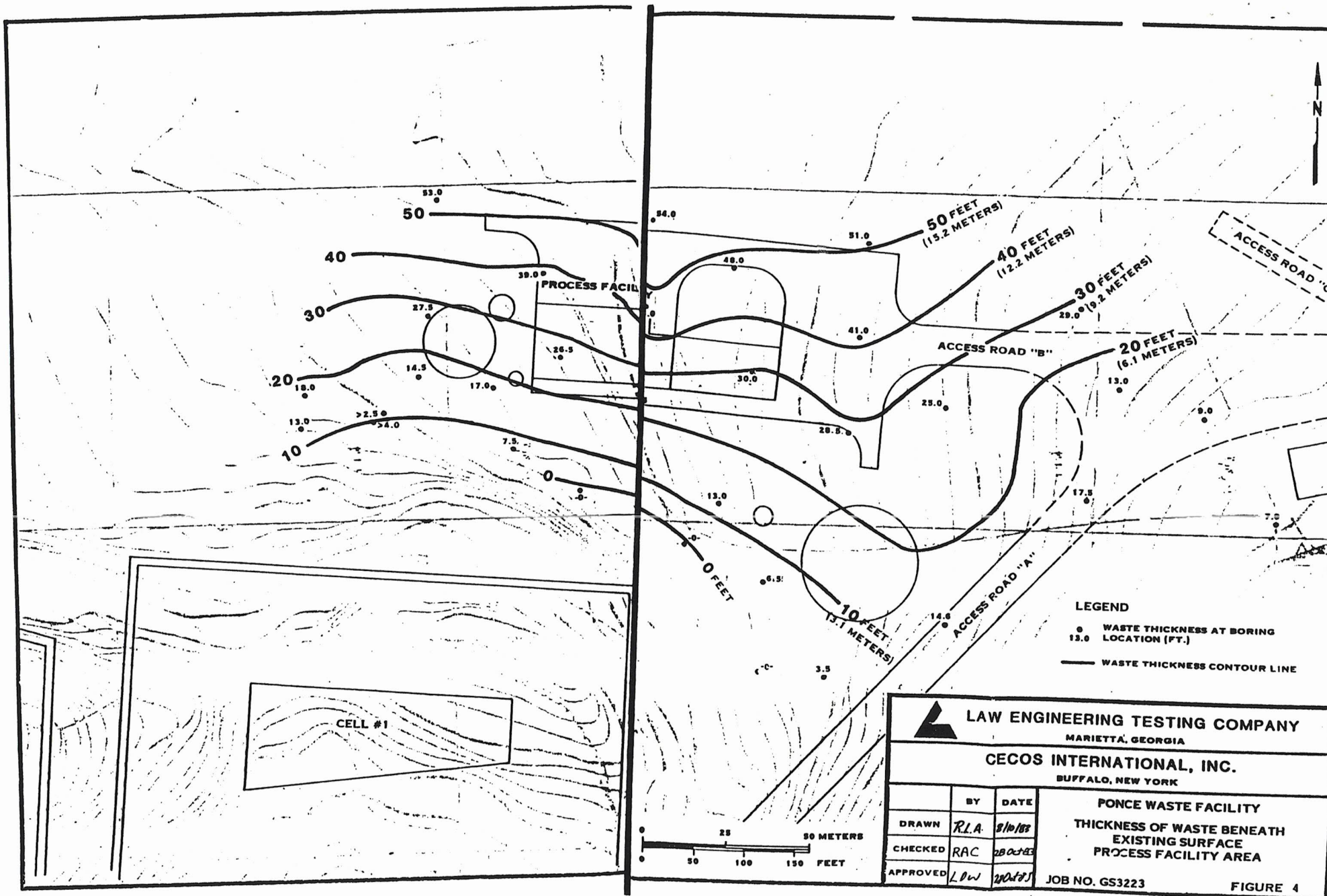


EXHIBIT I

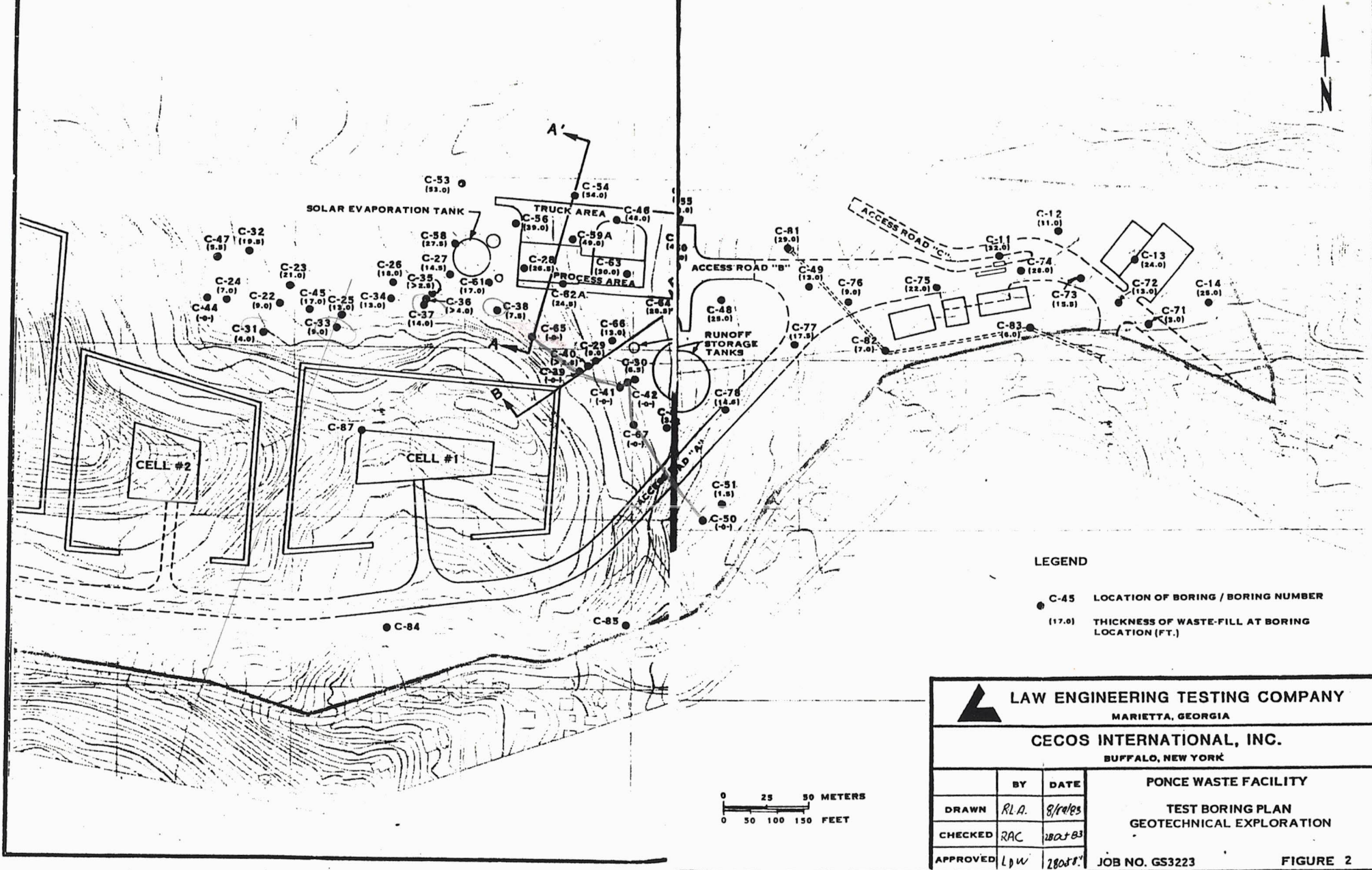


EXHIBIT 2

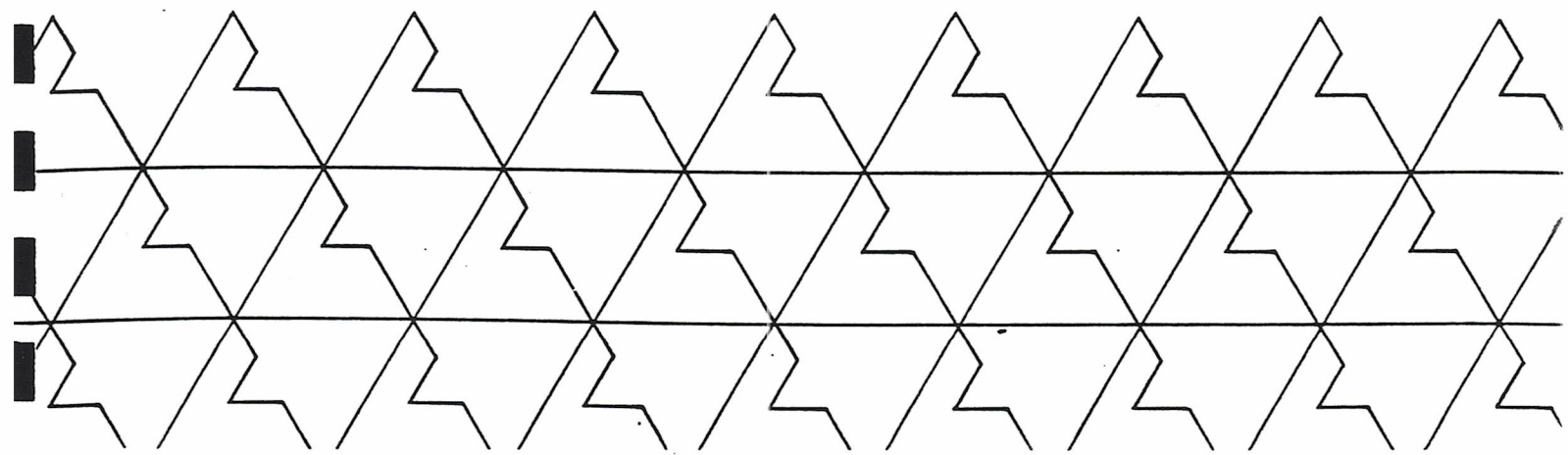
CECOS INTERNATIONAL INC.  
BUFFALO, NEW YORK



**LAW ENGINEERING  
TESTING COMPANY**

**PONCE WASTE FACILITY  
GEOTECHNICAL EXPLORATION  
FINAL REPORT**

NOVEMBER 3, 1983





# SUMMARY OF BORINGS

<u>BORING NUMBER</u>	<u>THICKNESS OF WASTE (FT)</u>	<u>TOTAL DEPTH OF BORING</u>
C-22	9.0	13.5
C-23	21.0	30.0
C-24	7.0	13.5
C-25	13.0	18.0
C-26	18.0	24.0
C-27	14.5	19.0
C-28	26.5	30.5
C-29	9.0	15.5
C-30	6.5	13.5
C-31	4.0	5.0
C-32	19.5	25.5
C-33	9.0	15.5
C-34	13.0	20.0
C-35	>2.5	2.5
C-36	>4.0	4.0
C-37	14.0	15.5
C-38	7.5	10.5
C-39	-0-	5.5
C-40	>2.5	2.5
C-41	-0-	4.5
C-42	-0-	4.5
C-43	3.5	8.5
C-44	-0-	5.5
C-45	17.0	23.5
C-46	48.0	54.5
C-47	5.5	10.0
C-48	25.0	30.5
C-49	13.0	19.5
C-50	-0-	5.0



# SUMMARY OF BORINGS

(CONTINUED)

<u>BORING NUMBER</u>	<u>THICKNESS OF WASTE (FT)</u>	<u>TOTAL DEPTH OF BORING</u>
C-51	1.5	5.5
C-52	Not Drilled	
C-53	53.0	60.5
C-54	54.0	70.5
C-55	51.0	60.5
C-56	39.0	45.5
C-57	Not Drilled	
C-58	27.5	40.5
C-59	>6.0	6.0
C-59A	49.0	65.5
C-60	41.0	50.5
C-61	17.0	30.5
C-62	>13.0	13.0
C-62A	24.5	40.5
C-63	30.0	40.5
C-64	28.5	34.8
C-65	-0-	15.0
C-66	13.0	25.0
C-67	-0-	10.0
C-68	Not Drilled	
C-69	Not Drilled	
C-70	Not Drilled	
C-71	4.0	14.8
C-72	13.5	20.5
C-73	15.5	24.8
C-74	28.0	35.5
C-75	22.0	29.1
C-76	9.0	15.0
C-77	17.5	25.5
C-78	14.6	20.4
C-79	Not Drilled	
C-80	Not Drilled	

SUMMARY OF BORINGS  
(CONTINUED)

<u>BORING NUMBER</u>	<u>THICKNESS OF WASTE (FT)</u>	<u>TOTAL DEPTH OF BORING</u>
C-81	29.0	35.5
C-82	7.0	15.5
C-83	6.0	15.25
C-84	-0-	30.0
C-85	-0-	28.5
C-86	Not Drilled	
C-87	-0-	80.5



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CAB8-07/01/88

## BROWNING-FERRIS INDUSTRIES

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/870-8100

July 1, 1988

Stanley Siegel, Chief  
Hazardous Waste Facilities Branch  
United States Environmental Protection Agency, Region II  
26 Federal Plaza  
New York, NY 10278

FEDERAL EXPRESS

RE: Municipal Landfill of Ponce  
EPA I.D. Number: PRD 980594709

Dear Mr. Siegel:

BFI of Ponce, Inc. (BFIP) is in receipt of your letter of June 21, 1988 and generally concurs with your characterization of the items agreed upon by BFIP and the United States Environmental Protection Agency, Region II (U.S. EPA) at our meeting on May 24, 1988. However, there are several items discussed in your letter that BFIP believes deserve clarification. These items relate to the status of the co-disposal area and are addressed below.

As at the May 24 meeting, BFIP was unable to demonstrate to the satisfaction of the U.S. EPA that hazardous waste had not been accepted at the Municipal Landfill of Ponce (the Facility) between November 19, 1980 and CECOS International, Inc.'s (CECOS) initiating operation of the Facility in 1983, BFIP agreed that a post-closure permit application would be submitted for the Facility by the end of November 1988.

The Facility is currently being operated as a sanitary landfill and, as such, is a critical element of the solid waste management system for the Municipality of Ponce. BFIP intends to continue the operation of the sanitary landfill during and after the completion of post-closure activities at the Facility. This plan was agreed upon by the U.S. EPA on May 24.

In preparation for the submission of the post-closure permit application, BFI agreed to evaluate certain aspects of the Facility. The information obtained during this evaluation would be incorporated into the application and would serve as the basis for determination of appropriate post-closure compliance requirements for the Facility. Specific studies requested by the U.S. EPA and agreed to by BFIP include the following:

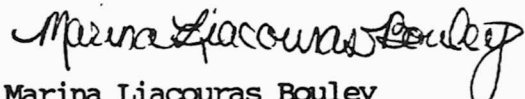
1. Landfill Operation Practice With Respect to Cover Material and Placement of Waste.
2. Plan for Soil Sampling and Testing of Existing Cover Material.
3. Plan for Sampling and Testing of Soils Beneath the Landfill.
4. Hydrogeologic Site Report.
5. Ground Water Monitoring Plan for the Municipal Landfill.

Work plans for these studies will be submitted to the U.S. EPA by July 25, 1988.

Representatives from Golder Associates, Inc., the consultant engaged by BFIP to conduct the evaluation of the Facility, have been and will continue to be in contact with U.S. EPA's Hazardous Waste Facilities Branch as the work plans are being prepared, so that the plans will be as close to U.S. EPA's specifications as possible by the date of submission. Although the subtitle D regulations under RCRA are not yet final, and the most recent version is unavailable to BFIP in draft form, the spirit of those regulations will be carried out in the post-closure program and in the continued operation of the Facility.

BFIP is interested in continuing to cooperate with the U.S. EPA throughout the post-closure process. If you have any questions or comments on this matter, do not hesitate to contact me at (713) 870-7059.

Very truly yours,



Marina Liacouras Bouley  
Attorney for BFI of Ponce, Inc.

MLB/ved

cc: Doug Pocze



JUL 25 1988

Jose A. Caneda Rodriguez, Esquire  
Goldman and Antonetti  
P.O. Box 13436  
San Juan, Puerto Rico 00902

Re: Municipal Dump of Ponce  
EPA I.D. Number: PR980594700

Dear Mr. Caneda:

On June 21, 1988 the Environmental Protection Agency (EPA) received the affidavit signed by Mr. Rick Good, District Manager of Browning-Ferris Industries of Ponce Incorporated ("BFI") attesting to the fact that no waste was ever disposed of in Cell Number 1 at the Municipal Dump of Ponce. After reviewing your submittal, several issues, previously raised during our May 24, 1988 meeting, must be addressed before EPA can even consider granting cell Number 1 protective filer status.

At the May 24 meeting, EPA stated that dated aerial photographs of the site would assist considerably in the determination to grant Cell Number 1 protective filling status. It is the Agency's understanding that various aerial photographs were available and ready to be submitted to EPA. However, these photographs were not included with your June 29, 1988 submittal. Please submit these photographs with a description of the topography including landmarks, boundaries, aerial direction, and an explanation supporting your claim that no waste was ever disposed of in Cell Number 1.

With respect to BFI's June 21, 1988 submittal page two, item number nine, Mr. Rick Good stated, "...that no waste had been placed no closer than approximately two hundred and fifty feet from the Cell Number 1." However, the distance from boring C-33 to Cell Number 1, as it appears from Exhibit 2 of your submittal, is approximately seventy-five feet. According to Exhibit 3 (Ponce Waste Facility Geotechnical Exploration Final Report November 3, 1983), waste was discovered in boring C-33 as well as in other samples located north of Cell Number 1. Please correct and explain these discrepancies.



In addition, the borings located along boundary of Cell Number 1 (C-41, C-42, C-44, C-50, C-65, C-67, C-84, C-85 and C-87) were reported as containing zero thickness of waste (Exhibit 3 of BFI submittal). When comparing these borings with those where waste was discovered, the depth of the borings are considerably different. Those that had no waste discovered were mainly shallow borings with the exception of borings C-84, C-85 and C-87. Why were the borings C-41, C-42, C-44, C-50, C-65 and C-67 drilled at such a shallow depth? Could waste have been placed at a deeper depth? What leads BFI to conclude that this area is truly virgin soil?

As discussed at the May 24, 1988 meeting, BFI must first address all issues before the Agency can make any protective filing determination. The affidavit provided by Mr. Rick Good constitutes a limited basis for making this determination. The affidavit failed to answer all our concerns previously stated in our May 24, 1988 meeting and raised more questions that need to be addressed. Please respond to these comments and submit the information requested which includes dated construction diagrams and/or well boring logs (e.g., H1-7 or boring log C-88 which is located on the western boundary of Cell Number 1) by August 10, 1988. This information coupled with the June 29, 1988 submission will become part of the public record and should provide enough information for EPA to make its final determination.

Should you have any questions, please contact Angel Chang, of my staff, at (212) 264-9628.

Sincerely yours,

Stanley Siegel, Chief  
Hazardous Waste Facilities Branch

bcc: Angel Chang, 2A44-HWF  
Douglas Rocca, 2A44-HWF ✓  
Steven Knight, 2A44-HWF  
Amy Chester, 2ORC  
Laura Livingston, 2PAB

